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 CLERK US DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY
 DEPUTY

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

AUSTIN LIFECARE, INC., §
 §
Plaintiff, §
 §
 v. §
 §
 CITY OF AUSTIN, *ET AL.*, §
 §
Defendants. §

CIVIL NO. A-11-CA-875-LY
 (Consolidated with
 CIVIL NO. A-11-CA-876-LY)

ROMAN CATHOLIC DIOCESE §
 OF AUSTIN, CATHOLIC CHARITIES §
 OF CENTRAL TEXAS, §
 AUSTIN PREGNANCY §
 RESOURCE CENTER, AND SOUTH §
 AUSTIN PREGNANCY §
 RESOURCE CENTER, §
 §
Plaintiffs, §
 §
 v. §
 §
 CITY OF AUSTIN, §
 §
Defendant. §

AMENDED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following amended scheduling and pretrial order.

IT IS ORDERED THAT:

1. Parties shall file a preliminary list of undisputed facts on or before **March 12, 2012**, with one (1) courtesy tabbed hard-copy provided to the Court. Parties may file a supplemental or amended list of undisputed facts on or before **March 29, 2012**, with one (1) courtesy tabbed hard-copy provided to the Court.

2. Depositions, including both fact and expert depositions, shall take place on **March 20-23, and March 26 2012.**

3. Parties shall file and serve on all other parties their designation of potential witnesses, testifying experts, expert reports, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **March 16, 2012.** To the extent not final when initially served, finalized exhibit lists shall be filed and served by all parties on or before **March 27, 2012.**

4. All designations of rebuttal experts shall be filed and served on all other parties within seven (7) days of receipt of the report of the opposing expert (or if no report is required, from the date of the expert's deposition), and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties within seven (7) days of receipt of the report of the opposing expert (or if no report is required, from the date of the expert's deposition). Depositions of any rebuttal experts shall take place within four (4) days of their designation and the information required by Local Rule CV-16(e)(6) with regard to any such deposition shall be served and filed within three (3) days thereafter.

5. An objection to an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within five (5) days of receipt of the written report of the expert's proposed testimony or within five (5) days of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**

6. Notwithstanding the times normally set for responding to such requests in the Federal Rules of Civil Procedure, all parties shall respond to written discovery requests (interrogatories [Fed. R. Civ. Proc. 33], requests for production of documents [Fed. R. Civ. Proc. 34] and requests for admissions) within twenty (20) days and hereby stipulate to service via email.

7. Without seeking leave of the Court, each side shall limit its written discovery requests to: (a) one set of twenty-five (25) interrogatories, including sub-parts. (b) one set of thirty (30) requests for production of documents and things, including sub-parts, and (c) one set of thirty (30) requests for admission, including sub-parts. As used in this paragraph, one "side" includes all Plaintiffs in this consolidated action and the other "side" includes all Defendants in this consolidated action. The City of Austin may serve duplicate sets of all such discovery on each Plaintiff.

8. The parties shall complete discovery on or before **March 26, 2012**. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

9. No summary judgment motions shall be filed without further order of the Court.

10. Opening trial briefs are due on or before **March 29, 2012** and response briefs are due on April 2, 2012.

11. The information required by Local Rule CV-16(e)(6) and (e)(8) shall be served and filed on or before **March 29, 2012**. The lists required by Local Rule CV-16(e)(10)(A) & (B), are due by **April 2, 2012**.

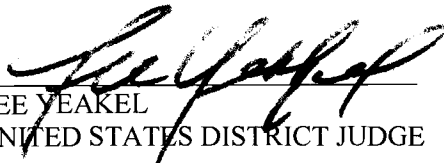
12. All documents, pleadings, and discovery responses shall be served by e-mail to all

counsel of record unless too voluminous for e-mail, in which case it shall be hand-delivered to local counsel of record (Austin and Georgetown, TX) for each party.

13. No documents shall be filed with the Court after 5:00 p.m. on April 2, 2012. Parties will provide the Court with courtesy copies of any documents filed within four hours of the 5:00 p.m. deadline.

14. This case is set for final pretrial conference, in chambers, on April 6, 2012, at 9:00 a.m. and trial on the 9th day of April, 2012, at 9:00 a.m. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference. The Court may rule on evidentiary objections at the final pretrial conference.

SIGNED this 14th day of March, 20 12.


LEE YEAKEL
UNITED STATES DISTRICT JUDGE

AGREED:

/s/ David Lill

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